

REMARKS

In the Office Action dated October 5, 2007, the Examiner required restriction to one of the following inventions:

Groups I-IV, claims 1-2 (in part), drawn to a substantially purified nucleic acid with at least 70% identity to a specified nucleotide sequence or complements or fragments thereof; wherein the specified nucleotide sequence for groups I-IV is SEQ ID NO:12, 13, 14, and 4, respectively.

Groups V-XV, claims 3-12 (in part) and 13-15 (in part), drawn to a transformed soybean plant having a first nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to SEQ ID NO:1, and further comprising a second nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to a specified nucleotide sequence; wherein the specified nucleotide sequence for groups V-XV is SEQ ID NO: 4-14, respectively.

Groups XVI-XXVI, claims 3-12 (in part) and 13-15 (in part), drawn to a transformed soybean plant having a first nucleic acid with a promoter operably lined to a nucleic acid with at least 85% identity to SEQ ID NO:2, and further comprising a second nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to a specified nucleotide sequence; wherein the specified nucleotide sequence for groups V-XV is SEQ ID NO:4-14, respectively.

Groups XXVII-CLXXIII, claims 13-15 (in part), drawn to a transformed soybean plant having two or more nucleic acid molecules wherein each molecule is operably lined to a promoter and wherein each molecule has at least 85% identity to a specified nucleic acid sequence; wherein each of the inventions utilizes a unique combination of nucleic acid sequences that is not utilized in inventions V-XXVI; and wherein the sequences are chosen from SEQ ID NO: 1, 2, and 4-14.

Groups CLXXIV-CLXXXIV, claims 16-17 (in part) and 18-19 (in part), drawn to a method of producing a transgenic soybean plant having a first nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to SEQ ID NO:1, and further comprising a second nucleic acid with a promoter operably linked to a nucleic acid with at last

85% identity to a specified nucleotide sequence; wherein the specified nucleotide sequence for groups CLXXIV-CLXXXIV is SEQ ID NO: 4-14, respectively.

Groups CLXXXV-CLXXXXV, claims 16-17 (in part) and 18-19 (in part), drawn to a method of producing a transgenic soybean plant having a first nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to a SEQ ID NO:2, and further comprising a second nucleic acid with a promoter operably linked to a nucleic acid with at least 85% identity to a specified nucleotide sequence; wherein the specified nucleotide sequence for groups CLXXXV-CLXXXXV is SEQ ID NO: 4-14, respectively.

Groups CLXXXVI-CCCXLII, claims 18-19 (in part), drawn to a method of producing a transgenic plant having two or more nucleic acid molecules wherein each molecule is operably linked to a promoter and wherein each molecule has at least 85% identity to a specified nucleic acid sequence; wherein each of the invention utilizes a unique combination of nucleic acid sequences that is not utilized in inventions CLXXIV-CLXXXXV; and wherein the sequences are chosen from SEQ ID NO: 1, 2, and 4-14.

Applicants elect without traverse the subject matter of Group V: Claims 3-12 (in part) and Claims 13-15 (in part), drawn to transformed soybean plants. Applicants also elect SEQ ID NO:1. Claims 1-2 and 15-19 are hereby withdrawn without prejudice or disclaimer to the subject matter disclosed therein. Applicants specifically reserve the right to prosecute the non-elected inventions in divisional applications. Claims 3-14 have been amended to clarify the elected subject matter and are within the scope of elected Group V. Also, with this response, Claims 20-21 have been newly added and are within the scope of elected Group V. Support for the new claims may be found, for example, in the Specification at page 13, lines 19-28; page 16, line 24 - page 17, line 22; page 34, line 22 - page 36, line 17; and Tables I - IV. No new matter has been added by the foregoing amendment.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

/Kristan L. Lansbery/

David R. Marsh (Reg. No. 41,408)

Kristan L. Lansbery (Reg. No. 53,183)

Date: November 30, 2007

ARNOLD & PORTER LLP
555 12th Street, N.W.
Washington, D.C. 20004
(202) 942-5000 telephone
(202) 942-5999 facsimile